

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 3, 2000

**D035897 Baumer v. Superior Court of San Diego County/People**  
The petition is denied.

**D032853 People v. Storey**  
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D032861 People v. Moran**  
The petition for rehearing is denied.

**D034821 In re Frankie L., a Juvenile**  
**D034765 In re Frankie L., a Juvenile**  
**D033538 In re Daniel C. et al. on Habeas Corpus**  
The request for publication of the opinion is denied.

**D033585 People v. Lee**  
The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D035746 Saliture v. Burt et al.**  
Pursuant to California Rules of Court, rule 10(c), the appeal filed June 2, 2000, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).

**D034950 People v. McRell**  
Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 5, 2000

**D034457       Estrada v. Staitman, Snyder & Tannenbaum et al.**

The judgment is affirmed. Staitman is to recover costs on appeal. Huffman, J.;  
We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 6, 2000

**D032972 Maryland Casualty Company et al. v. Nationwide Mutual Insurance Company**  
**D033116 National Union Fire Insurance Company of Pittsburgh Pennsylvania et al. v.**  
**Nationwide Mutual Insurance Company**

The petition is denied.

**D033909 Cooper v. Westsbrook Torrey Hills, LP.**  
Order reversed; Cooper to recover his costs of appeal. CERTIFIED FOR PARTIAL PUBLICATION.  
Benke, J.; We Concur: Work, Acting P.J., McIntyre, J.

**D034083 People v. Astorga**  
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D033186 People v. Barnett**  
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D035753 People v. Dixon**  
This court's order filed June 15, 2000, transferring the notice of appeal filed on May 26, 2000, to the San Diego County Superior Court is ordered vacated. The San Diego County Superior Court is directed to process the amended notice of appeal filed June 15, 2000, under Court of Appeal case number D035753. Rule time shall run from the date of this order.

**D033784 Rogers v. Department of Motor Vehicles**  
The judgment granting writ of mandate is reversed. The superior court is directed to enter a new judgment denying the writ. The DMV shall have costs on appeal. Kremer, P.J.;  
We Concur: Nares, J., McIntyre, J.

**D034261 People v. Martinez**  
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D031561 Bank of America N.T.&S.A. v. Moyes, as Trustee, et al.**  
The judgment is affirmed. Kremer, P.J.; Nares, J., McIntyre, J.

**D035271 Diane S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**  
The petitions are denied. Benke, J.; Kremer, P.J., O'Rourke, J.

**D034718 Colvin v. Pennant Village Homeowners Association**  
Upon filing a written abandonment of cross-appeal, the cross-appeal of Pennant Village Homeowners Association is dismissed.

**D034080 People v. Medina**  
**D034954 In re Alan Medina on Habeas Corpus**  
The judgment is affirmed. The petition is denied. Kremer, P.J.; We Concur: Nares, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 6, 2000 Continued

**D032817        Fraley et al. v. Allstate Insurance Company**  
The opinion filed June 14, 2000 is ordered certified for publication.

**D035923        In re Baumer on Habeas Corpus**  
The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 7, 2000

**D032769      Leisure Technology Corporation of Oceanside v. Franklin Reinforcing Steel Company et al.**

That portion of the judgment denying subcontractors attorney fees incurred in defending the contract claims is reversed. That portion denying attorney fees for defending the noncontract claims is affirmed. The matter is remanded to the superior court to determine and award reasonable attorney fees and to determine whether the fees incurred in defending all claims in the cross-complaint are so intertwined as to be pragmatically incapable of separation. Costs of appeal are awarded to subcontractors. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

**D035647      AFJR Partnership v. Redevelopment Agency of the City of San Diego et al.**

The motion to dismiss as to Redevelopment Agency of the City of San Diego is granted.

**D034045      People v. Gutierrez**

Gutierrez's convictions of violating Vehicle Code section 23153, subdivision (a) (count 2) and Vehicle Code section 23153, subdivision (b) (count 3) are reversed. The judgment is affirmed in all other respects. McIntyre, J.; We Concur: Kremer, P.J., Nares, J.

**D035902      People v. Sanchez**

Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D030320      Kitzig v. Nordquist et al.**

The judgment is affirmed. The parties to bear their own costs on appeal. CERTIFIED FOR PARTIAL PUBLICATION. Haller, Acting P.J.; I Concur: McDonald, J.; I concur and dissent: O'Rourke, J.

**D035102      Hodges v. Graves et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D034006      Rochette v. Dynamex Courier**

The judgment is reversed with directions to the superior court to enter a new judgment awarding appellant Rochette \$30,230.15 against respondent Dynamex. Rochette shall have costs on appeal. Kremer, P.J.; We Concur: McDonald, J., McIntyre, J.